1 2 3 4	MAURICE WUTSCHER LLP Patrick J. Kane (<i>Pro Hac Vice</i>) 440 Stevens Avenue, Suite 200 Solana Beach, California 92075 Phone No.: (858) 381-7860 Email: pkane@mauricewutscher.com		
5 6	Attorney for Plaintiff/Counter-Defendant, U.S. Bank National Association as Legal Title T on behalf of USROF IV Legal Title Trust 2015-1	Trustee I	
7	UNITED STATES DISTRICT COURT		
8	DISTRICT OF NEVADA		
9			
10	USROF IV LEGAL TITLE TRUST 2015-1,) BY U.S. BANK NATIONAL	Case No.: 2:17-cv-00445-APG-VCF	
11	ASSOCIATION, AS LEGAL TITLE TRUSTEE,	STIPULATION AND ORDER TO CONTINUE THE MAY 31, 2022	
12	Plaintiff,	MANDATORY SETTLEMENT CONFERENCE	
13	v.)	[FIRST REQUEST TO CONTINUE THE MSC]	
14	SPINNAKER POINT AVENUE TRUST;) RIVER GLIDER AVENUE TRUST;)	Date: May 31, 2022	
15	SATICOY BAY, LLC SERIES 5982 SPINNAKER POINT AVENUE;	Time: 10:00 a.m.	
16	MOUNTAIN GATE AT SUNRISE MOUNTAIN HOMEOWNERS'	Room 4068 The Honorable Elayna J. Youchah	
17	ASSOCIATION; ABSOLUTE COLLECTION SERVICES, LLC,	Presiding	
18)		
19	Defendant.		
20	SATICOY BAY, LLC SERIES 5982		
21	SPINNAKER POINT AVENUE,		
22	Counterclaimant,		
23	vs.		
24	USROF IV LEGAL TITLE TRUST 2015-1,) BY U.S. BANK NATIONAL		
25	ASSOCIATION, AS LEGAL TITLE TRUSTEE, LLC,		
26	Counter-Defendant		
27			
28)		

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Association, as Legal Title Trustee on behalf of USROF IV Legal Title Trust 2015-1 ("Trustee"), Defendant Mountain Gate at Sunrise Mountain Homeowners' Association ("Mountain Gate"), Defendants and Counterclaimants Saticoy Bay, LLC Series 5982 and Spinnaker Point Avenue ("Defendants") (collectively, the "Parties"), by their attorneys, hereby submit the following Stipulation and Order to Continue the May 31, 2022 Mandatory Settlement Conference ("MSC"), which is submitted in good faith and not intended to cause any delay to this Court.

RECITALS

WHEREAS, Trustee's predecessor-in-interest filed the instant action on February 9, 2017. See Dkt. 1.

WHEREAS, on August 31, 2021, the Parties attended a mandatory settlement conference before the Honorable Magistrate Judge, Elayna J. Yochah. *See* Dkt. 90.

WHEREAS, on August 31, 2021, the Honorable Magistrate Judge Elayna J. Yochah issued an Order: (1) continuing the settlement conference to date after the Nevada Supreme Court issued its opinion in *Thunder Props*; and (2) instructing the Parties to file a joint status report within ten days of a decision in *Thunder Props* being issued while separately requesting the Parties submit three dates of availability to attend a second settlement conference. *See* Dkt. 98.

WHEREAS, on February 2, 2022, the Nevada Supreme Court issued its Opinion in *Thunder Props* holding that: (1) "declaratory relief actions are not categorically exempt from statutes of limitations under *City of Fernley v. Nevada Department of Taxation*, 366 P.3d 699 (Nev. 2016)"; (2) NRS 11.220's four year "catch all" statute of limitations applies to actions seeking to determine the validity of a lien under NRS 40.010; and (3) the four-year statute of limitations begins to run when "the titleholder affirmatively repudiates the lien, which does not necessarily happen at the foreclosure sale." *See* Dkt. 101

WHEREAS, on April 1, 2022, the Honorable Magistrate Judge Elayna J. Yochah issued an Order setting the continued MSC for May 31, 2022 at 10:00 a.m. *See*, Dkt. 112.

WHEREAS, on May 25, 2022, Trustee's counsel tested positive for COVID-19 meaning counsel no longer can appear at the May 31, 2022 MSC.

1	WHEREAS, the Parties agree that, subject to this Court's approval, the May 31, 2022		
2	MSC should be continued to a date convenient for this Court, in light of Trustee's counsel testing		
3	positive for COVID-19.		
4	4 Agreement		
5	NOW THEREFORE, IT IS HEREBY STIPULATED by and between the Parties to		
6	6 this litigation as follows:		
7	1. The May 31, 2022 MSC shall be continued to a date convenient to this Court.		
8	8 Dated: May 25, 2022 MAURICE WU	TSCHER LLP	
9	II .	_	
10		e (<i>Pro Hac Vice</i>)	
11	11 Solana Beach,	venue, Suite 200 California 92075	
12	Phone No.: (8: Email: pkane(a	58) 381-7860 @mauricewutscher.com	
13	13 Attorneys for I	Plaintiff/Counter-Defendant,	
14		ional Association as Legal on behalf of USROF IV Legal	
15	Title Trust 201		
16	11	ORME ANTHONY &	
17	17 MCKIEVER		
18	18 /s/ Patrick Orn		
19	Patrick A. Orn 7432 W. Saha	ra Ave.	
20	Las Vegas, Ne Phone No.: (70	02) 562-3415	
21	21	@boyacklaw.com	
22	22 Attorneys for I MOUNTAIN (Defendant, GATE AT SUNRISE	
23	23 MOUNTAIN F ASSOCIATION	HOMEOWNERS' N	
24	24		
25	25 Dated: May 25, 2022 ROGER	P. CROTEAU &	
26	26 ASSOCIATE	S	
	27 /s/ Christophe. 28 Christopher L. Roger P. Crote	r L. Benner Benner eau (Bar No. 4958)	

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2810 Charleston Boulevard, No. H-75 Las Vegas, Nevada 89102 Phone No.: (702) 254-7775 Email: chris@croteaulaw.com

Attorneys for Defendant and Counterclaimants, SPINNAKER POINT AVENUE TRUST, RIVER GLIDER AVENUE TRUST, and SATICOY BAY, LLC SERIES 5982 SPINNAKER POINT AVENUE

Signature Attestation

I hereby attest under the penalty of perjury that on May 25, 2022, counsel for defendants approved this Stipulation and gave me permission to electronically sign this Stipulation on his behalf.

/s/ Patrick J. Kane Patrick Kane

ORDER

IT IS SO ORDERED.

IT IS FURTHER ORDERED that the settlement conference set for May 31, 2022 is vacated. The Court will issue a separate order rescheduling the settlement conference.

Dated this 25th day of May, 2022.

UNITED STATES MAGISTRATE JUDGE